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09/882,368	06/15/2001	Amir Aliabadi	INFS117535	6711

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EXAMINER

GEDRICH, SARAH R

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,368

Applicant(s)

ALIABADI ET AL.

Examiner

Sarah R. Gedrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 23 February 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "associating a key with said product data, when said product data is associated with one of said suppliers and no key is associated with said product data;" and "adding said key to a merchant record."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim 1 has been amended. Claims 1-17 are pending and have been examined in this office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al., U.S. Patent No. 6,725,222.

1. Referring to claim 1. Musgrove discloses a method for collecting product data to facilitate at least one of searching, viewing and purchasing of products at a single shopping website, comprising:

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- Retrieving, by a host computer, product data from a plurality of websites
(Musgrove: column 3, lines 28-30) associated with a plurality of at least one of affiliated providers, wherein said product data is to be provided to a user
(Musgrove: Fig. 2);
- Parsing said product data according to data types to determine, by said host computer, whether a first portion of said product data associated with at least one of said data types may be added to stored product data based on at least one of said data types (Musgrove: column 5, lines 14-28);
- Determining a source of said product data, wherein said source is at least one of said providers and suppliers (Musgrove: column 5, lines 30-61);
- Associating a key with said product data, when said product data is associated with one of said suppliers and no key is associated with said product data
(Musgrove: column 5, line 66 – column 6, line 9) (The Examiner notes that a “cookie” is a key associated with the product data of the merchant.);
- Adding said key to a merchant record (Musgrove: column 6, lines 14-23);
- Integrating, by said host computer, said first portion with said stored product data within a database to create integrated data (Musgrove: column 5, lines 14-28);
and
- Providing said integrated data to a user such that said user may utilize a single shopping website to search for, compare prices and order said products
(Musgrove: column 2, lines 32-45), wherein said products are associated with

said product data from a plurality of said websites, wherein each of said websites may be associated with a different provider (Musgrove: Fig. 1).

Musgrove discloses a method of integrating a plurality of web sites into a single environment known as a "shopping portal." This shopping portal includes a Web server presenting an integrated interface displaying plural products from various merchants. The shopping portal of Musgrove further permits purchasing from plural merchants through a single on-line environment. Musgrove does not expressly disclose retrieving, by a host computer, product data from a plurality of websites associated with a plurality of at least of affiliated and non-affiliated providers. The Examiner notes, this difference is only found in the nonfunctional descriptive material and does not alter how the retrieving step is to be performed to achieve the utility of the invention. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d, 1381, 217 USPQ 401, 404 (Fed. Cir. 1983).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to retrieve information from any type of provider, because such provider type does not functionally relate to the steps in the method claimed.

2. Referring to claim 2. Musgrove further discloses a method wherein said providers comprise merchants (Musgrove: Fig. 1, "40").

3. Referring to claim 3. Musgrove further discloses a method wherein determining that said first portion may be entered with said stored product data comprises matching product producer names and product producer product identifiers from said first portion

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to product producer names and product producer product identifiers from said stored product data (Musgrove: column 5, lines 14-28).

4. Referring to claim 4. Musgrove further discloses a method wherein determining that said first portion may be entered with said stored product data comprises matching product SKUs from said first portion to product SKUs in said stored product data (Musgrove: column 6, line 47 to column 7, line 8).

5. Referring to claim 5. Musgrove further discloses a method wherein said providers comprise suppliers (Musgrove: Fig. 1, "40").

The Examiner notes, the type of supplier (canonical) does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

6. Referring to claim 6. Musgrove further discloses a method wherein said providers comprise merchants and suppliers (Musgrove: Fig. 1, "40").

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

7. Referring to claim 7. Musgrove further discloses a method comprising indexing said stored product data and forwarding said indexed stored product data to at least one searchable database (Musgrove: column 5, lines 14-28).

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8. Referring to claim 8. Musgrove further discloses a method wherein said at least one searchable database has at least one mirrored database (Musgrove: column 8, lines 30-53).

9. Referring to claim 9. Musgrove further discloses a method wherein said indexed stored product data comprises index meta-data and indexed data (Musgrove: column 5, lines 14-28).

10. Referring to claim 10. Musgrove further discloses a method of wherein said at least one searchable database is load balanced with at least one mirrored database (Musgrove: column 8, lines 30-53).

11. Referring to claim 11. Musgrove further discloses a method comprising updating at least one priced products database with said stored product data (Musgrove: column 5, lines 14-28).

12. Referring to claim 12. Musgrove further discloses a method comprising examining said buffer and determining that at least one entry in said buffer contains product data that may be entered with said stored product data (Musgrove: column 5, lines 14-28).

13. Referring to claim 13. Musgrove further discloses a method comprising categorizing said at least one entry (Musgrove: column 5, lines 14-28).

14. Referring to claim 14. Musgrove further discloses a computer readable medium containing at least one component for performing the method of any of claims 1-13 (Musgrove: Fig. 2).

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15. Referring to claim 15. Musgrove further discloses a computer implemented system comprising at least operative to perform the method of any of claims 1-13 (Musgrove: Fig. 2).

16. Referring to claim 16. Musgrove further discloses a method comprising parsing said product data according to data type to determine, by said host computer, whether a second portion of said product data may not be added to said stored product data within said database; and adding said second portion to a buffer (Musgrove: column 8, lines 30-53, "filtering data").

17. Referring to claim 17. Musgrove further discloses a method wherein one of said data types includes at least one of product description, price, merchant information, manufacturing information, and image (Musgrove: column 5, lines 30-48).

Response to Arguments

Applicant's arguments filed 23 February 2005 have been fully considered but they are not persuasive.

Applicant argues:

- **"Musgrove does not disclose or suggest 'determining a source of said product data, wherein said source is at least one of said providers and suppliers; associating a key with said product data, when said product data is associated with one of said suppliers and no key is associated with said product data; adding said key to a merchant record.'"**

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In response to this argument, the Examiner notes the rejection of claim 1 under 35 U.S.C. 103(a).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a normalization database, wherein redundant data is eliminated and replaced with keys in a one-to-many relationship") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (571) 272-8121. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRG



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